

IRWIN, CAMPBELL & TANNENWALD, P.C.

ATTORNEYS AT LAW  
1730 RHODE ISLAND AVENUE, N.W.  
SUITE 200  
WASHINGTON, D.C. 20036-3101  
(202) 728-0400  
FAX (202) 728-0354  
<http://www.ictpc.com>

PETER TANNENWALD  
(202) 717-3971  
[ptannenwald@ctpc.com](mailto:ptannenwald@ctpc.com)

April 19, 2007

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: WT Docket No. 02-55  
Ex Parte Letter

Dear Ms. Dortch:

This letter is written on behalf of the Georgia Technology Authority (“GTA”), which provides technical services to numerous public safety agencies throughout the State of Georgia and is responsible for the 800 MHz rebanding activities of many of these agencies.’ It responds to a letter dated March 29, 2007, written by the Covington-Newton County 911 Communications Center (“Covington/Newton”), asking for suspension of all frequency configuration planning and negotiations in the Atlanta area until September 2008, because of the difficulties created by interference from analog television station WUPA(TV), Channel 69, Atlanta.

GTA strongly, but respectfully, disagrees with Covington/Newton’s request that rebanding activities in the Atlanta area should be suspended and that no operation on new NPSPAC channels should begin until WUPA shuts down on or before the February 17, 2009, the nationwide cut-off date for analog television broadcasting.<sup>2</sup>

---

<sup>1</sup> A list of agencies that are clients of GTA is attached.

<sup>2</sup> WUPA is licensed to operate on digital Channel 43. It is required to turn one of its channels back to the Commission at the end of the digital television transition. Since Channel 69 is “out-of-core” in the sense that it is above the highest channel (51) that will remain available for analog television after the digital transition, WUPA must relinquish Channel 69 and remain on Channel 43 at the end of the transition.

GTA agrees with many of Covington/Newton's statements, particularly with respect to the existence of an interference problem, since WUPA is licensed to operate with one million watts effective radiated power in the band 800-806 MHz, which presents significant adjacent channel interference potential for most lower-powered public safety radio systems that will migrate to 806.125 MHz and channels just above. However, GTA does not agree that the problem is insoluble; and there are many other factors at work that would result in substantial detriment if the rebanding process were suspended. Thus while suspension might solve one problem, it would create many other problems that would negate any cost savings that Covington/Newton suggests might be achieved through a suspension.

The rebanding process is complex, and considerable resources are being devoted to it by both the public safety community and Sprint-Nextel, which is paying the cost of rebanding. GTA has staff personnel assigned to rebanding, and it has hired technical consultants which have themselves staffed up for the project, as well as attorneys. If the rebanding process is suspended, these staff personnel and consultants will have to remain in place well beyond the currently anticipated end of their assignments and/or contracts. Sprint-Nextel will have to pay that cost, which could equal or surpass the cost of curing TV interference problems.

Suspension of rebanding would also interrupt the planning process now under way and would require repetition of a significant amount of planning. Public safety radio systems are dynamic, always being improved. The improvement process cannot be suspended just because rebanding is suspended. Thus inventories, frequency surveys, and the like that are now under way or completed will no longer be valid in 2009 and will have to be repeated, again at Sprint-Nextel's expense, if rebanding is postponed.

Suspension of rebanding in the Channel 69 service area would also raise issues with regard to critical interoperability among public safety agencies in Georgia. The Commission has recognized the importance of interoperability, as has Congress, which has appropriated substantial funds to implement interoperability. If areas of the state far enough away from TV Channel 69 not to suffer interference complete their rebanding now, but the Atlanta area rebands later, either interoperability between the Atlanta region and other areas will be lost during the suspension period or else radios will have to be temporarily equipped to operate on two set of channels and re-channeled more than once, again raising Sprint-Nextel's costs.

Finally, GTA respectfully disagrees with Covington/Newton's suggestion that the Channel 69 problem is so difficult to solve that it is not worth trying. WUPA has caused interference to public safety systems even without rebanding, but the television station has been very cooperative in working with land mobile radio operators to alleviate interference. GTA believes that a combination of filters at the television station and filters on receivers, as well as

possibly some base station reconfiguration, could result in acceptable performance during the period of time before WUPA ceases operating on Channel 69.<sup>3</sup>

The next step should not be suspension of rebanding but rather a survey of the geographic service areas of public safety stations in the Atlanta area, to see where the interference problem is most severe and to evaluate what solutions are available in each problem area. Sprint-Nextel has steadfastly refused to finance such a study, and such refusal will essentially bring the rebanding effort to a halt indirectly rather than directly. That back door approach should not be accepted by the Commission, and it is certainly not acceptable to GTA. GTA intends to seek relief from the Commission to compel Sprint-Nextel to finance the necessary work, so that the scope of the problem can be fully understood and the prospects for solving it can be evaluated based on facts rather than speculation.

GTA is aware that some Commission personnel believe that the problem is virtually insoluble, and that this fact is well known, making a study unnecessary. GTA believes that the purpose of the study may be misunderstood. Everyone agrees that the problem exists, and a study would not be intended to prove that point. The purpose of a study would be to identify the areas where the problem is worst, to measure the relative signal strengths of the TV and public safety signals at those areas, and then with actual quantified information in hand, to determine the feasibility of corrective action through filtering or enhancing the strength of the public safety signal. In other words, a study would be directed toward determining site-specific solutions, not simply identifying a general problem that is acknowledged to exist.

In sum, there are too many personnel dedicated to rebanding who are already at work and are being paid, and the economic cost of holding these persons and their organizations in place would be high. Suspending rebanding would require repetition of planning activities, with attendant costs, and would risk an unacceptable loss of interoperability for a year or more. The ball is rolling, and it is too difficult and costly to stop it. The Channel 69 problem is not a brick wall that provides no choice but to stop. Particularly with the cooperation of WUPA, which GTA is confident will be forthcoming, GTA believes that although TV interference will be a problem, enough can be done to ameliorate it to warrant continuing the rebanding process that has already begun.

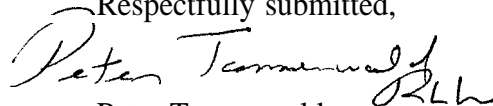
GTA's paramount interest in this matter is in working through the rebanding process in an orderly and timely manner, in furtherance of GTA's primary mission, which is to assist its client agencies in protecting the safety and welfare of the citizens of Georgia. For the reasons

---

<sup>3</sup> It is also possible that WUPA's licensee could decide to abandon its costly analog operation prior to February 17,2009, in light of the fact that its digital facility is on the air and operating on a lower channel, digital receiver penetration is increasing, and multichannel video program distributors (cable and satellite) convert digital signals so that they can be viewed on analog receivers.

Marlene H. Dortch, Secretary - WT Docket No. 02-55  
April 19, 2007  
Page 4

discussed above, GTA believes that delaying the rebanding process would impede the pursuit of its mission and would be detrimental to the ability of its client agencies to fulfill their ultimate responsibility to the public. Accordingly, GTA urges the Commission to allow the process to proceed and to require Sprint-Nextel to pay for gathering the information that is needed to enable rebanded public safety systems to operate effectively in the Channel 69 signal environment.

Respectfully submitted,  
  
Peter Tannenwald  
Ramsey L. Woodworth

Counsel for the Georgia Technology Authority

cc: Mr. David Furth (FCC - by e-mail)  
Mr. Mike Smith, Director, Covington-Newton County 911 Communications Center

## ATTACHMENT

### AGENCIES SERVED BY THE GEORGIA TECHNOLOGY AUTHORITY

Georgia Bureau of Investigation  
Georgia Department of Public Safety  
Georgia Department of Correction  
Georgia Emergency Management Agency  
Georgia Office of Homeland Security  
Georgia Department of Nature Resources  
Georgia Department of Transportation  
Georgia Pardons and Parole  
Georgia Building Authority  
Georgia Ports Authority  
University of Georgia  
Georgia State University  
Valdosta State University  
Central Georgia Technical College  
Metro-Atlanta Urban Area Security Initiative (UASI) consortium